

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI**

MISSOURI INSURANCE COALITION, )

Plaintiff, )

v. )

JOHN M. HUFF )

In his official capacity as Director of )

the Missouri Department of Insurance, )

Financial Institutions and Professional )

Registration, )

Defendant. )

Cause No.: \_\_\_\_\_

**PLAINTIFF'S MOTION FOR LEAVE TO EXCEED PAGE LIMIT**

COMES NOW Plaintiff Missouri Insurance Coalition pursuant to Rule 7-4.01(D) of the Local Rules for the United States District Court for the Eastern District of Missouri, and for its Motion for Leave to Exceed the Page Limit, states as follows:

1. Plaintiff requests leave of Court to exceed the 15 page limit by 3 pages for Plaintiff's Memorandum in Support of Motion for Temporary Restraining Order.

2. This case presents an issue of first impression: whether the recently-enacted provisions of Missouri Senate Bill 749 ("Missouri's Contraception Coverage Law"), which, among other things, require Missouri health insurance issuers to *exclude* contraceptive coverage from policies they issue under certain conditions, conflicts with the mandate under the Patient Protection and Affordable Care Act ("PPACA") and implementing regulations which, among other things, require that insurers *provide* coverage for certain contraceptives in their policies without cost sharing. This is a crucial and important constitutional inquiry resolving a conflict

between state and federal law and which has and will substantially impact the rights of insurers, employers, and policyholders in Missouri.

3. A complex background is involved. The statutory framework for PPACA is itself more than 900 pages long. *See, e.g.*, 124 Stat. 119-1025. Further, certain provisions of PPACA are incorporated by reference into other federal statutes, such as the Employee Retirement Income Security Act (“ERISA”). The accompanying regulations are equally dense, and incorporate recommendations and determinations made by various federal agencies and organizations, and provide for varied penalties for non-compliance with PPACA. Further, the history behind and the Defendant’s enforcement of S.B. 749 (and its statutory predecessors) are explored. Given the importance and novelty of the issues presented, proper briefing of the applicable framework, and legal issues involved, requires more analysis than in a typical case.

4. Defendant will not be prejudiced by allowing Plaintiff to submit its Memorandum in excess of the 15 page limit.

5. Plaintiff does not submit this request for any improper purpose or to burden this Court. Rather, Plaintiff requests leave to exceed the page limit because further briefing will aid the Court in its consideration and analysis of Plaintiff’s Motion for Temporary Restraining Order and to resolve this important issue.

WHEREFORE, Plaintiff prays that this Court grant leave to file its Memorandum in Support of Motion for Temporary Restraining Order in excess of this Court’s page limit, and for such other and further relief as this Court deems just and proper under the circumstances.

Respectfully submitted,

**LEWIS, RICE & FINGERSH, L.C.**

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*Attorneys for Plaintiff*

## **CERTIFICATE OF SERVICE**

The undersigned certifies that a true and correct copy of the foregoing was served upon the following on this 19th day of December, 2012, in the following manner:

### **Via Facsimile (573-751-1165) and Federal Express**

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\_\_\_\_\_/s/ David W. Gearhart